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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,660	06/19/2001	Peter K. Chow	F1018/2006P	4498

7590 02/07/2006

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EXAMINER

CHANG, RICHARD

ART UNIT PAPER NUMBER

2663

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/884,660	Applicant(s) CHOW ET AL.	
	Examiner Richard Chang	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7 and 9-25 is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/19/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**  
***Response to Amendment***

1. Applicant's arguments and amendments, filed on 1/19/2006, with respect to claims 1-25 have been fully considered but are moot in view of the new ground(s) of rejection. The finality of the rejection of the last Office action is withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6, 747,996 ("Holloway et al.").

Regarding claims 1 and 8, Holloway et al. teach a method for maintaining synchronization in a home network (providing synchronized transport across a HPNA network) that includes a host Ethernet media controller (50 gateway with DOCSIS compliant WAN interface 52) and an HPNA chip (46b HPNA interface) (See Fig. 3, Col 2, lines 36-39), where control frame (synchronization protocol packet) and data frame (voice packet) pairs are transferred between the host Ethernet media access controller (MAC) and the HPNA chip (46b) (See Fig. 17, Col. 3, lines 11-13), comprising of:

(a) sending a null frame (synchronization protocol packet) from the host Ethernet MAC (DOCSIS compliant WAN interface 52) to the HPNA chip (46b) prior to the data frame (voice packet), and

(b) recognizing the null frame (synchronization protocol packet) on the HPNA chip (46b) as an indication that a next received frame will be the data frame (voice packet), thereby maintaining synchronization between the control frame (synchronization protocol packet) and the data frame (voice packet) pairs (See Fig. 17, Col. 8, lines 3-7),

wherein the control frame (synchronization protocol packet) and data frame (voice packets) pairs are transferred between the DOCSIS compliant WAN interface MAC (50) and the HPNA interface (52) and the control frame (synchronization protocol packet) is always positioned in front of the control frame (synchronization protocol packet) position in timing to maintain a pair relation to indicate that the next packet is the data frame (voice packet), thus maintain synchronization between the control frame (synchronization protocol packet) and the data frame (voice packet) pairs (See Fig. 17, Col 8, lines 22-49)

Holloway et al. teach substantially all the claimed invention but did not disclose expressly the HPNA interface is on a HPNA chip in integrated form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate HPNA interface (46b) functions into a single chip integral form to perform the same functions which is merely a matter of obvious engineering choice

since it has been held by In re Larson, 340 F.2d 965, 968. 144 USPQ 347, 349 (CCPA 1965).

***Allowable Subject Matter***

4. Claims 2-7 and 9-25 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Richard Chang  
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Art Unit 2663

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER